

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RONALD ALLISON,

Case No. 2:20-cv-1803-KJD-EJY

Plaintiff,

ORDER

V.

**COMMISSARY OF CLARK COUNTY
DETENTION CENTER,**

Defendant.

On September 22, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCSD”), filed what appears to be a proposed complaint, thereby initiating a civil action in this Court. ECF No. 1-1. Plaintiff has neither paid the \$400 filing fee for this matter. Plaintiff also has not filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
 - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
 - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff

25 The Court grants Plaintiff a one-time extension to file a fully complete application to proceed
26 *in forma pauperis* containing all three of the required documents or, in the alternative, pay the \$400
27 filing fee for this action on or before **December 15, 2020**. Absent unusual circumstances, the Court
28 will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application

1 to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or
2 before **December 15, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a
3 new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a
4 fully complete application to proceed *in forma pauperis* or pay the \$400 filing fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
7 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
8 application to proceed *in forma pauperis* and instead pay the filing fee of \$400 on or before
9 **December 15, 2020** to proceed with this case.

10 The Court will retain Plaintiff's complaint (ECF No. 1-1), but the Court will not file the
11 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*
12 *pauperis* with all three documents or pays the full \$400 filing fee.

13 For the foregoing reasons,

14 IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form
15 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information
16 and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **December 15, 2020**, Plaintiff shall either pay
18 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
21 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
22 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
24 (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
26 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
27 must still submit an inmate account statement for the dates he has been present at the facility.

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
3 on or before **December 15, 2020**, the Court will dismiss this action without prejudice for Plaintiff
4 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

6 IT IS HEREBY ORDERED that the Clerk of the Court shall retain Plaintiff's complaint
7 (ECF No. 1-1) but will not file it at this time.
8

9 Dated this 16th day of October, 2020.

10
11 
12 ELAYNA J. YOUCAH
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28